



Revisions to Bill C-10 The Broadcasting Act

Brief Submitted by the

Canadian Association of Community Television Users and Stations
(CACTUS)

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Executive Summary

The community element is critical to the Canadian broadcasting system. The need for a robust community broadcasting sector has never been greater. Every day we hear about newsrooms gutted by commercial broadcasters as their business models struggle to adapt to digital competition. Communities outside of the major centres are being left in the dust. Study after study has concluded that lack of local representation is undermining our democracy. Community broadcasters are local-not-for-profits set up by residents for the express purpose of ensuring that the community as a whole as well as minorities within have a platform for expression. They are part of the infrastructure of the community: there for the long haul, collaborating with and providing visibility to local businesses, community service organizations, sporting and artistic organizations, educational institutions and local government. Through these collaborations, their cost structure is low. They are sustainable with a minimum of seed funding to keep their doors open and to ensure basic staffing to coordinate and train local collaborators.

Not only do community broadcasters respond to the need for local programming in the Canadian mediasphere, they are our ace in the hole to ensure that the broadcasting system is inclusive, and can serve the needs of Indigenous people, the disabled, and all minorities, by providing them with the know-how and infrastructure to tell their own stories.

To fulfill our potential however, we need more recognition and specificity regarding our role in the new broadcasting act. The specific wording we propose is provided on page 9.

Identification

The Canadian Association of Community Television Users and Stations (CACTUS) advocates on behalf of individual Canadians and community organizations for access to digital skills training, production support, and distribution platforms so that individuals—especially minority and alternative voices—and communities have the tools they need to be heard and express themselves in the digital environment.

CACTUS' vision has evolved from its roots in community television to include multimedia and multiplatform access. CACTUS was formed in 2008 by citizens (many of them former cable community TV station employees) who were alarmed by widespread closures of former cable access productions studios and a shift in production methodology at the remaining cable studios away from citizen-oriented content to corporate and cable staff-driven content.

CACTUS' members include:

- not-for-profit over-the-air community TV and radio license holders, whose content is also distributed on cable, satellite, and the Internet. CACTUS' membership is not limited to television - one member trains the public in the creation of interactive content (web and video games) and three also distribute radio.
- unlicensed not-for-profit community TV and media corporations, which stream their content on the Internet and provide it to Broadcast Distribution Undertakings (BDUs, which includes cable and satellite companies) for playback on BDU community channels
- not-for-profit community organizations that want coverage and visibility, or which support the free speech and community development mandate of community media
- individual Canadians and media researchers concerned about the availability of local content, and their capacity to leverage technologies to get messages out.

What and Who Belong to “The Community Element”?

CACTUS is one of five professional associations that represent the community element in the broadcasting system. CACTUS works closely both with the one other association representing community TV:

- the Fédération des télévisions communautaires du Québec
- with the Community Radio Fund of Canada, which collaborates with the three associations representing community radio: The National Community Radio Association (the NCRA);
L'Association des radios communautaires du Canada (l'ARQ du Canada) and
L'Association des radios communautaires du Québec (l'ARQ du Québec)
- The community element also includes at least 60 Indigenous community broadcasters, some of whom are members of these associations

Together, the community element includes over 300 not-for-profit sources of local TV and radio, which facilitate production by over 10,000 community organizations, individual Canadians, small businesses, Indigenous bands and other groups within Canadian society. Community media frequently provide local reflection in the absence of other local media.

The Role of the Community Element

The community element in broadcasting is understood by practitioners here in Canada and in at least 50 other nations that recognize it as providing:

- **a voice for smaller communities and minority voices**— This role is ever more important in the wake of private media consolidation and lay-offs, such as Bell's recent announcement of cuts and the CAB's estimate that 200 stations will close in the next 12 months. Because of our collaboration with local players and organizations, we are able to serve our communities for the long haul, producing content for 1/10th the cost of the public and private sectors. In many places, community media are the only option; for example, in most Indigenous communities, which may have only a few 100 or 1000 members.
- **a platform for democratic discourse** at the local level; for example through the dissemination of municipal council meetings, town halls, and other public fora. The unregulated Internet cannot provide this forum; community media are answerable to the CRTC and other regulatory authorities.
- **media literacy**— In the digital era, this role is ever more crucial, to ensure that individuals, community organizations and small businesses have the know-how to leverage evolving digital platforms. For example, CACTUS offers training in virtual reality, augmented reality, and video game production.
- **Incubators for Canadian talent**—Next to the massive US market, we must compete by enabling our community media network of 'farm teams' that recruit and develop talent. Community media are the "Creative Hubs" envisaged in the Creative Canada Policy Framework, where interdisciplinary media rub shoulders, learn new skills, and develop ideas in low-risk environments. They're the "Google-campuses" of our hinterland.

Despite the increasingly important role of the community element in the Canadian broadcasting system, it is mentioned only once in the 1991 Act, and only once in the draft act tabled in Bill C-10 at clause 3.1b:

(b) the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;

There is no definition for any of the elements, nor discussion of the role of the community element, despite an extensive section that deals with the public-sector (the CBC), and the fact that the rest of the document refers implicitly to private media. The act (former and currently tabled) states at section 3.1 e):

(e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;

... but there is no description of what is an “appropriate manner” and how the sectors should complement one another.

The impact of this absence has been the near total loss of community TV service to Canadians since the 1991 Act came into effect, and the destruction of 40 years of audio-visual archives for over 200 communities that have no other audio-visual record of the period. Under CRTC policies of the 1970s through to the present-day, community radio stations were implemented as licensed not-for-profit corporations owned and operated by community-elected boards, while community TV stations were implemented as departments with cable company offices, bundled with the license for the cable system. As a result, community radio stations have flourished, developing over the intervening decades as integral parts of community infrastructure and networks, but cable community TV stations have been shuttered as the ownership, technical structure, competitive environment and priorities of the cable industry have changed.

The community TV sector has been hindered from fulfilling its potential to provide local coverage, to support democratic discourse, to bolster the voices and languages of minorities and Indigenous communities and to support media literacy just at that point in our history when we need them the most, as the private sector falters, and as we finally acknowledge as a society that we must make the broadcasting system more inclusive.

Therefore, we are asking for additional specificity regarding the community element in the new broadcasting act:

- 1) *A clear definition for the community element*
- 2) *A description of the role of the community element*
- 3) *Elaboration to other clauses in the act to clarify the community element's complementary role with respect to the public and private elements.*

More Recognition is Long Overdue

Community media was not a new “element” in Canada’s media landscape when the 1991 Act was written and the community element was formally mentioned for the first time. There have been community-owned newspapers since the 1800s and campus- and community-owned and -operated radio stations since 1922, when CFRC-FM of Queens University began broadcasting as the first radio station in Canada.

There have been cable community TV stations since the late 1960s. Community TV's roots were established by the National Film Board of Canada and its groundbreaking “Challenge for Change” stream of film-making, which was funded by federal government ministries interested in poverty reduction. The government discovered that positive social change results from direct citizen participation in media. Since cable television was being introduced to Canada, and the CRTC was concerned that the influx of dozens of US stations would dilute viewership to Canadian TV content the regulator asked cable operators to set aside local channels for community self-expression and to train the public in their use.

Throughout the 1970s, this implementation of community TV —under the stewardship of the cable industry— was an experiment. Meanwhile, community TV and radio as implemented in every other country that formally recognized a third sector in broadcasting defined the sector by community ownership. When the 1986 *Report on the Task Force on Broadcasting* was written, which preceded the re-writing of the 1991 Broadcasting Act, the former patchwork network of mom-and-pop-owned cable companies had already begun to be consolidated into the large ownership groups we know today, eroding their hyper-local base and capacity to play host to community TV. The 1986 report therefore recommended what we are asking for 30 years later: formal recognition for the community element, and the development of a not-for-profit community TV sector. Had these recommendations been implemented at the time, community TV would not have suffered the decline we have seen over the last two decades. It would be at least as robust as our community radio sector:

CRTC Failure to Develop Community TV

This lack of guidance to policymakers —we believe— is why the CRTC has floundered over the last 30 years with respect to community TV. So much change has occurred in the transition to digital technologies, that there have always been bigger more financially charged issues occupying the CRTC's attention, leaving community media as a sidebar¹.

¹ Please see our full submission to the Broadcasting Review panel at [https://www.ic.gc.ca/eic/site/110.nsf/vwapj/1325_CACTUS_2b-5b-11_EN_CA.pdf/\\$FILE/1325_CACTUS_2b-5b-11_EN_CA.pdf](https://www.ic.gc.ca/eic/site/110.nsf/vwapj/1325_CACTUS_2b-5b-11_EN_CA.pdf/$FILE/1325_CACTUS_2b-5b-11_EN_CA.pdf) for a discussion of the succession of CRTC decisions that have undermined community TV

The CRTC's regulatory neglect culminated in the CRTC's 2016 Local and Community TV policy review, in which the CRTC gave cable companies the green light to redirect most of Canada's considerable \$150 million budget for community TV to prop up their no-longer-profitable private news properties.²

We see the futility of this approach today, as the private sector continues to announce more lay-offs. Throwing money earmarked for the community element into the black hole of legacy private broadcasting cannot redirect the tide of the marketplace. That resource, appropriately invested in community-owned media *could*, however restore local journalism to Canada's hinterland. We see what difference a small investment can make—1.6 million annually—via the Local Journalism Initiative, which has placed over 30 journalists across Canada at community TV and radio stations, each catalyzing teams of local residents to provide the civic and democratic coverage that the public and private sectors cannot offer³.

Presciently, the CRTC's 2011 report *Shaping Regulatory Approaches for the Future*, recognized that efforts to regulate the private sector to offer Cancon might soon reduce their ability to compete with OTT services from beyond our borders, and that it would make more sense to invest in the two elements with a public-service mandate to generate the public-service minded content envisaged under the Broadcasting Act:

*"Long-term approaches to ensuring the prominence and quality of Canadian production may increase the importance of public and community broadcasters as instruments of public policy. Local and regional programming will also be important, and community broadcasters may play a key role."*⁴

Invisibility of Community Element in Recent Policy Documents

Aside from the lack of guidance regarding the community element in the 1991 act, there has been a failure to recognize the importance of community media for Canada in seminal reports that have led to the current review of the broadcasting act:

since 1997.

² See the CRTC's Local and Community TV Policy (CRTC 2016-224) at <https://crtc.gc.ca/eng/archive/2016/2016-224.htm>

³ See ComMediaPortal.ca and Canada-Info.ca to see journalism produced at community TV and radio stations under the Local Journalism Initiative.

⁴ See <http://www.crtc.gc.ca/eng/publications/reports/rp110324.htm> for the full report.

The Creative Canada Policy Framework—Despite the fact that all five organizations representing the community element submitted reports and participated in meetings leading up to the publication of the 235-page *Creative Canada Policy Framework*, the framework makes only glancing reference to the sector, despite sounding the alarm about several challenges that the community element is peculiarly well positioned to address, including:

- the failing business model for the private sector to create local content
- the lack of civic reporting at the local level
- the need for “Creative Hubs” to develop Canadian talent. While the framework acknowledged that the line between amateur and professional media-makers has become blurred in the digital environment, it failed to recognize that community media organizations are the places in our community where amateurs learn media skills, professional cross-train, and new ideas can be tested. Our biggest names, from Mike Myers to Dan Aykroyd to Guy Maddin started their careers on community TV.

The Shattered Mirror—by the Public Policy Forum barely mentioned the community element and its role in providing civic news and local information to smaller communities.

The Yale Report—The twelve-member Broadcasting Review panel included no representatives of the community element. The Yale report makes almost no mention of the community element, other than to recommend redirecting even more of the nation's community TV budget toward BDUs' private news stations. How could the panel be expected to write a balanced report about the future of broadcasting, without such representation? How could it leverage the considerable potential of the community sector with no innate knowledge of it, when its modus operandi is so fundamentally different from that of the public and private sectors?

Change and Churning in the Media Landscape, written by this committee, acknowledged the importance of community broadcasting, and flagged the need for more support for it. MPs know the value of having access to their electorate on credible local media. We rely on you to ensure that the new broadcasting act accords the community element the specificity and support that it needs to respond to the challenges facing the Canadian broadcasting system. Like the public broadcaster, the CBC, we must have direct support from Parliament and from Parliamentarians to ensure that the health of the community sector is not victim to changing priorities of the private sector:

This is why ask you to call us as witnesses in this important study, lest we again be left out of the process of deliberation.

Proposed Amendments to Bill C-10 to Clarify the Role of the Community Element

1) Define Community Media

The single most important modification needed to the Broadcasting Act to support a robust community “element” is to define “community element”. This term and “community programming” are used in section 3 of the act, but no definition is provided for either in section 2 “Definitions”.

We propose the following definitions, based on CRTC policy for community radio:

“Community Element:

The community element in the broadcasting system is defined :

- i) by not-for-profit community ownership and*
- ii) by the participation members of the community in content production, day-to-day operations, and administration, via a community-elected board.”*

“Community Program: An audio-visual production created at a not-for-profit community media organization”

2) Describe the Role of Community Media.

Replace the description for “alternative media” in section 3.1(r) of the 1991 Act with a description for “community media”. Very few “alternative” programming services of the type described exist; the section was never actionable nor used in policy-making, yet the description almost exactly fits what community media do (underlined text is new):

“(r) the programming provided by community media should

- (i) be innovative and complementary to the programming provided for mass audiences,*
- (ii) cater to tastes and interests not adequately provided for by the programming provided for mass audiences, and include programming devoted to culture, politics, local history, health, news and local information, and the arts,*
- (iii) reflect Canada’s communities, regions, Indigenous and multicultural nature,*
- iv) be produced by and for local communities through their not-for-profit participative structure*

v) support the development of Canadian creative talent, as a cost-effective platform where developing writers, artists, and technicians can learn new skills, take risks and workshop ideas.

vi) be made available throughout Canada on all platforms available;

vii) be made available for archival purposes to the Library and Archives Canada and local cultural institutions representing the public interest, such as public libraries, museums and public archives, in order to preserve and make accessible community culture, history and politics of enduring value to Canadians and to anyone with an interest in Canada, including our future generations.”

3) Integrate Community Media into Other Sections of the Act

To provide direction for policy-makers not familiar with community media, community media's complementary role vis-a-vis the public and private sectors must be clear. We offer the 4 most important examples of this complementarity below. For further examples, please see our full submission to the Broadcasting Review panel (our additional text underlined).

3-1 i) the programming provided by the Canadian broadcasting system should

(i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for people of all ages, interests and tastes. At the local level, community broadcasters are in the unique position—through collaboration with local organizations and community members—of being able to serve the needs of niche groups.

Variety and comprehensiveness is possible on a local scale only under a community model of production. These “men”, “women” and “children of all ages, interests and tastes” come forward themselves to provide for those of like mind and interests.

iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and to directly participate in public dialogue on such matters via the community element”

The phrase “to be exposed to” assumes a private- or public-sector model of production, in which Canadians are a passive audience to content created by a privileged class of journalists and producers. The community element enables the direct participation of members of the public on matters of public concern.

3-1 (o) programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages should be provided within the Canadian broadcasting system, including by programming undertakings that are carried on by Indigenous persons; including Indigenous community media, which are uniquely positioned to serve smaller and

remote communities.”

Thanks to their lower cost structure community media are affordable for Indigenous communities, to preserve Indigenous languages, tell Indigenous stories and equip Indigenous youth and community members of all ages with digital skills.

3.1 (p) “programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, as well as the resources and opportunity to develop their own content and voices on community media;”

Like Indigenous persons, disabled persons are natural clientele for community media, because they can adapt the technology and obtain technical support to meet their own needs.

4) Ensure Community-Owned and -Operated Media are Adequately Resourced to Fulfill Their Role:

3.1 (e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming. Those fulfilling a public-service function will be adequately resourced to do so”

CONCLUSION

There has never been a more critical time to support the role community broadcasters play in Canadian society. The amendments we are proposing to Bill C-10 are not complicated or controversial. They build on language and goals already in the act. They would ensure that the key role played by community broadcasters is fully recognized and supported for the first time in our history, at that moment in our history when we need them the most.

We look forward to discussing our proposals with you for the good of all Canadians.